

1 Hon. Ricardo S. Martinez
2
3
4
5
6
7

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 JORGE CRUZ-HERNANDEZ,
12 Defendant.

NO. CR20-093-RSM

**PRELIMINARY ORDER OF
FORFEITURE**

15 THIS MATTER comes before the Court on the United States' Motion for Entry of
16 a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States,
17 Defendant Jorge Cruz-Hernandez's ("Defendant") interest in the following property
18 ("Subject Currency"):

19 • \$764 in United States currency, seized from 6305 Saint Albion Way,
20 Apt. M304, Mountlake Terrace, Washington, on August 5, 2020.

21 The Court, having reviewed the United States' Motion, as well as the other papers
22 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of
23 Forfeiture is appropriate because:

24 • The Subject Currency is forfeitable pursuant to 21 U.S.C. § 853, as it
25 constitutes, or is derived from, proceeds Defendant obtained as a result of
26 the commission of Conspiracy to Distribute Controlled Substances, in
27 violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 846; and,

1 • Pursuant to the Plea Agreement he entered on December 6, 2021,
2 Defendant agreed to forfeit the Subject Currency pursuant to 21 U.S.C.
3 § 853, Dkt. No. 236 ¶ 13.

4 NOW, THEREFORE, THE COURT ORDERS:

5 1) Pursuant to 21 U.S.C. § 853 and his Plea Agreement, Defendant's interest
6 in the Subject Currency is fully and finally forfeited, in its entirety, to the United States;

7 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
8 be final as to Defendant at the time he is sentenced, it will be made part of the sentence,
9 and it will be included in the judgment;

10 3) The Department of Justice, Drug Enforcement Administration, and/or its
11 authorized agents or representatives ("DEA") shall maintain the Subject Currency in its
12 custody and control until further order of this Court;

13 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
14 United States shall publish notice of this Preliminary Order and its intent to dispose of the
15 Subject Currency as permitted by governing law. The notice shall be posted on an official
16 government website – currently www.forfeiture.gov – for at least thirty (30) days. For
17 any person known to have alleged an interest in the currency, the United States shall, to
18 the extent possible, provide direct written notice to that person. The notice shall state that
19 any person, other than the Defendant, who has or claims a legal interest in the currency
20 must file a petition with the Court within sixty (60) days of the first day of publication of
21 the notice (which is thirty (30) days from the last day of publication), or within thirty (30)
22 days of receipt of direct written notice, whichever is earlier. The notice shall advise all
23 interested persons that the petition:

24 a. shall be for a hearing to adjudicate the validity of the petitioner's
25 alleged interest in the currency;
26 b. shall be signed by the petitioner under penalty of perjury; and,
27 c. shall set forth the nature and extent of the petitioner's right, title, or
28 interest in the currency, as well as any facts supporting the
 petitioner's claim and the specific relief sought.

1 5) If no third-party petition is filed within the allowable time period, the
2 United States shall have clear title to the currency, and this Preliminary Order shall
3 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

4 6) If a third-party petition is filed, upon a showing that discovery is necessary
5 to resolve factual issues it presents, discovery may be conducted in accordance with the
6 Federal Rules of Civil Procedure before any hearing on the petition is held. Following
7 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
8 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
9 adjudication; and,

10 7) The Court will retain jurisdiction for the purpose of enforcing this
11 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
12 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
13 Fed. R. Crim. P. 32.2(e).

14 IT IS SO ORDERED.

15 DATED this 4th day of March, 2022.



16
17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
19
20 Presented by:
21
22 s/ Jehiel I. Baer
23 JEHIEL I. BAER
24 Assistant United States Attorney
25 United States Attorney's Office
26 700 Stewart Street, Suite 5220
27 Seattle, WA 98101
28 (206) 553-2242
29 Jehiel.Baer@usdoj.gov